

S.B. 330	S.B. 1068
S.B. 362	S.B. 1212
S.B. 399	S.B. 1229
S.B. 419	S.B. 1276
S.B. 490	S.B. 1302
S.B. 541	S.B. 1361
S.B. 594	S.B. 1388
S.B. 623	S.B. 6
S.B. 631	S.B. 291
S.B. 632	S.B. 719
S.B. 709	S.B. 1324
S.B. 1373	

SIXTY-EIGHTH DAY
(Monday, May 17, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Rob Harrell, First Evangelical Free Church, Austin, offered the invocation as follows:

Our Father, the heavens declare Your glory; the skies proclaim the works of Your hands! We give You praise!

This day, as these men and women gather together to lead our state, we pray that they would be ever mindful of Your sovereign power, Your saving grace, and Your desire for all men to know You! May they look to You, the omnipotent and omniscient Lord, for wisdom, guidance, and understanding!

In Christ's name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 14, 1993, was dispensed with and the Journal was approved.

CO-AUTHORS OF SENATE BILL 1105

On motion of Senator Shapiro and by unanimous consent, Senators Bivins, Harris of Dallas, Leedom, Lucio, Nelson, Patterson, Sibley, Harris of Tarrant, Henderson and Shelley will be shown as Co-authors of S.B. 1105.

VOTES RECONSIDERED

On motion of Senator Harris of Dallas and by unanimous consent, the vote by which **H.B. 2626** was finally passed was reconsidered.

Question—Shall **H.B. 2626** be finally passed?

On motion of Senator Harris of Dallas and by unanimous consent, the vote by which the Three-Day Rule on **H.B. 2626** was suspended was reconsidered.

Question—Shall the Three-Day Rule be suspended?

On motion of Senator Harris of Dallas and by unanimous consent, the vote by which **H.B. 2626** was passed to third reading was reconsidered.

Question—Shall the bill be passed to third reading?

GUESTS PRESENTED

Senator Henderson was recognized and introduced to the Senate Morgan Tarlton and Tracy Russell, serving today as Senate Pages.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 55, Relating to providing an alcoholic beverage to a minor. (As substituted)

S.B. 128, Relating to the Texas Incentive and Productivity Commission.

S.B. 149, Relating to commissioning as peace officers to protect persons and property at housing authorities.

S.B. 466, Relating to the qualification of oil from new or expanded enhanced recovery projects for special tax rates.

S.B. 526, Relating to changing the name of the Texas Space Commission to the Texas Aerospace Commission.

S.B. 563, Relating to commissioning certain employees of the Texas Department of Health as peace officers. (As substituted and amended)

S.B. 572, Relating to the creation of municipal courts of record in Hurst.

S.B. 579, Relating to a student union building fee at The University of Texas—Pan American.

S.B. 642, Relating to the consolidation of job training, employment, and unemployment insurance programs and the development of an integrated state and local delivery system serving all Texans. (As substituted)

S.B. 686, Relating to use of an electronic funds transfer system by a county.

S.B. 706, Relating to the powers and duties of the State Preservation Board. (As amended)

S.B. 851, Relating to an exception to the open meetings law for certain deliberations of the board of directors of a municipal hospital or a municipal hospital authority.

S.B. 857, Relating to court fees and costs in certain family law actions and making an appropriation to the attorney general.

S.B. 907, Relating to notification to legislators about the completion of highway projects.

S.B. 977, Relating to financing by the Texas Public Finance Authority of certain facilities and equipment for state agencies.

S.B. 1041, Relating to protecting public drinking water supplies; creating offenses and providing fees and penalties. (As amended)

S.B. 1310, Relating to the creation of municipal courts of record in Carrollton.

S.B. 1385, Relating to the creation of municipal courts of record in Euless.

S.B. 1398, Relating to the creation of the Tarrant County Criminal Court of Appeals. (As substituted)

S.B. 1403, Relating to the creation, administration, powers, duties, functions, operations, and financing of the Brookeland Municipal Utility District; providing for the authorization of bonds and the levy of property taxes.

H.B. 7, Relating to covenants not to compete.

H.B. 104, Relating to research fees charged by libraries in the state library system.

H.B. 227, Relating to establishing the Center for Texas Beaches and Shores.

H.B. 291, Relating to the waiver of jurisdiction of a juvenile court and transfer of certain children to district or criminal courts.

H.B. 362, Relating to reports of timeshare expenses charged and collected by managing entities of timeshare properties; providing a civil penalty.

H.B. 377, Relating to the notice required under the open meetings law when a state governmental body holds a meeting on a subject that directly affects a local governmental body.

H.B. 519, Relating to the juvenile board of Bexar County.

H.B. 570, Relating to the determination of value in condemnation proceedings.

H.B. 711, Relating to the storage and sale of certain vehicles.

H.B. 714, Relating to pipeline easements granted or taken before 1960.

H.B. 737, Relating to the payment of ad valorem taxes assessed against real property by conveyance to the taxing unit of the property.

H.B. 862, Relating to the powers and duties of certain constables to enforce environmental laws affecting the Rio Grande.

H.B. 958, Relating to the issuance of insurance through eligible surplus lines insurers.

H.B. 1127, Relating to the authority of a commissioners court to regulate or prohibit smoking in county facilities or other county public places; providing a penalty.

H.B. 1147, Relating to the imposition of a fee on sex offenders as a condition of probation or release on parole or to mandatory supervision to fund certain sexual assault programs.

H.B. 1167, Relating to persons exempt from the registration requirement to practice as a property tax consultant.

H.B. 1196, Relating to a review and analysis of the process by which agencies issue permits.

H.B. 1319, Relating to driver's licenses, permits, and resident and nonresident operating privileges.

H.B. 1342, Relating to freshwater fishing contests; providing a penalty.

H.B. 1425, Relating to the operation and licensing of a brew pub.

H.B. 1455, Relating to the hunter education program.

H.B. 1484, Relating to the right of junior college district employees voluntarily to designate a portion of their earned income to certain organizations.

H.B. 1505, Relating to grounds for a new trial in a criminal case.

H.B. 1508, Relating to court costs for certain parking and traffic convictions.

H.B. 1524, Relating to a franchise tax credit for investment in biogenetic or biomolecular research.

H.B. 1535, Relating to a prohibition against discouraging or prohibiting faculty members of public institutions of higher education from certain actions.

H.B. 1602, Relating to the employment of inmates of the institutional division of the Texas Department of Criminal Justice by contractors constructing institutional division facilities.

H.B. 1620, Relating to the validation of governmental acts and proceedings by a municipality in connection with the financing of the repair, improvement, or replacement of an international toll bridge.

H.B. 1639, Relating to the termination of the parent-child relationship.

H.B. 1641, Relating to the issuance of and fees for heirloom birth certificates.

H.B. 1642, Relating to the process under which state agencies and other entities are periodically reviewed under the Texas Sunset Act.

H.B. 1651, Relating to competitive bidding.

H.B. 1706, Relating to the purchase and sale of certain fish taken from fresh water in certain counties.

H.B. 1726, Relating to the designation of certain medical examiner personnel as peace officers.

H.B. 1731, Relating to contracted placement and treatment services for youth.

H.B. 1770, Relating to release of information kept in vessel and boat records.

H.B. 1831, Relating to tuition rates which may be charged non-residents attending certain institutions of higher education.

H.B. 1843, Relating to the placement of print access aids in libraries for use by persons who are visually disabled.

H.B. 1862, Relating to the renewal of certain business, occupational, and professional licenses.

H.B. 1878, Relating to the issuance of general obligation bonds by the Texas Agricultural Finance Authority to support the Texas agricultural fund.

H.B. 1887, Relating to the requirement of criminal justice agencies to report certain persons who are not citizens of the United States to the federal government.

H.B. 1888, Relating to the regulation of the sale of checks.

H.B. 1927, Relating to the confidentiality of the records and proceedings of a medical committee.

H.B. 1932, Relating to the bond or other security required for issuance or renewal of a general distinguishing number as a motor vehicle dealer or a wholesale motor vehicle auction.

H.B. 1952, Relating to the receipt, management, and expenditure of funds by state agencies.

H.B. 1970, Relating to the registration and titling of vessels and outboard motors.

H.B. 2026, Relating to special license plates for members of certain nonprofit organizations.

H.B. 2044, Relating to collection of civil restitution for illegal taking of wildlife.

H.B. 2083, Relating to the validation of governmental acts and proceedings related to certain annexations and certain extensions of extraterritorial boundaries by municipalities.

H.B. 2092, Relating to purchasing procedures of certain local governments; providing criminal penalties.

H.B. 2138, Relating to examination and investigations of premium finance companies.

H.B. 2191, Relating to the exemption of certain benefits from seizure under process.

H.B. 2223, Relating to the dedication of certain funds for the use of the Texas Commission on the Arts.

H.B. 2249, Relating to the emphasis of water conservation in certain advanced research and technology programs at institutions of higher education.

H.B. 2254, Relating to the definition of subterranean streams and the ownership of groundwater.

H.B. 2255, Relating to the provision of transportation for certain AFDC recipients to participate in the JOBS program.

H.B. 2259, Relating to records of trials in municipal courts of record of Addison.

H.B. 2263, Relating to exempting sales by university and college student organizations from the state sales tax.

H.B. 2265, Relating to the conveyance of certain state-owned real property by the Texas Employment Commission and declaring an emergency.

H.B. 2275, Relating to the Texas Unemployment Compensation Act; defining temporary help firm and temporary employee.

H.B. 2284, Relating to the registration and bonding of and financial reporting by persons soliciting for charitable organizations and to the prohibition of deceptive practices in the solicitation of contributions.

H.B. 2310, Prohibiting the use of minority contractor status by those who either are not minorities or are not contractors.

H.B. 2243, Relating to the regulation of health spas.

H.B. 2371, Relating to cooperation between public schools and institutions of higher education.

H.B. 2385, Relating to pediatric emergency medical services.

H.B. 2407, Relating to allowing testing and training to be required by the State Board of Private Investigators and Private Security Agencies.

H.B. 2428, Relating to the administration of the used oil recycling fee.

H.B. 2480, Relating to provisions in an automobile rental agreement.

H.B. 2485, Relating to the establishment and powers and duties of a healthy start pilot program.

H.B. 2510, Relating to the tuition charged certain students at public institutions of higher education.

H.B. 2516, Relating to the imposition of fees for motor fuel testing and inspections.

H.B. 2534, Relating to the repeal of the disqualification for unemployment compensation benefits based on the receipt of certain social security benefits.

H.B. 2605, Relating to administration and collection of fees, recovery of costs and operating fund.

H.B. 2644, Relating to the regulation of real estate appraisers.

H.B. 2663, Relating to the powers and duties of the commissioners court.

H.B. 2711, Relating to the administration of, benefits payable by, eligibility for benefits payable by, and credit under programs administered by the Teacher Retirement System of Texas.

H.B. 2723, Relating to tax and regulatory relief as incentives for the production of certain gas that is difficult or expensive to produce and relating to a reduced oil production tax rate for oil from certain enhanced recovery projects.

H.B. 2790, Relating to county responsibility for indigent care services.

H.B. 2854, Relating to the regulation by home-rule municipalities of streets, avenues, alleys, and boulevards on which certain residences are located.

H.B. 2860, Relating to the district and county courts administrator and court services department of Dallas County; authorizing fees.

H.B. 2869, Relating to terms of office of members of the board of commissioners of the Brazoria County Conservation and Reclamation District Number Three.

H.B. 2870, Relating to conflicts of interest of certain persons in certain contracts of certain fresh water supply districts.

H.B. 2871, Relating to the name of the County Court at Law of Angelina County.

H.B. 2874, Relating to the creation, administration, powers, duties, operation, and financing of the Simon Villarreal Underground Water Conservation District.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Turner in Chair)

CAPITOL PHYSICIAN

Senator Turner presented Dr. David Pope of Bryan as the "Doctor for the Day."

The Senate welcomed Dr. Pope and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Melissa Medina, "Youth of the Year," of Nixon High School in Laredo. Miss Medina was accompanied by her parents, Jesus and Maria Medina, her sister, Vanessa, and U. S. Border Patrol Chief Oscar Garza.

The Senate welcomed Miss Medina and her guests.

(Senator Montford in Chair)

BILLS AND RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.B. 1170	H.B. 1818
H.B. 346	H.C.R. 75
H.B. 479	H.C.R. 139
H.B. 1447	S.B. 248
H.B. 1638	S.B. 378

(President in Chair)

HOUSE BILL 2118 REREFERRED

On motion of Senator Ratliff and by unanimous consent, **H.B. 2118** was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Education.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Friday, May 14, 1993, by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported Friday, May 14, 1993, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Sibley requested that JUNE HICKS of Eastland County, to be a Member of the State Board of Examiners of Marriage and Family Therapists, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported Friday, May 14, 1993, by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Texas Board of Architectural Examiners: THEODORE STUART MAFFITT, JR., Anderson County.

Members, Texas Commission for the Deaf and Hearing Impaired: DR. MILBURN L. COLEMAN III, Dallas County; LARRY M. CORREU, Bexar County; DELORES ERLANDSON, Howard County; VALERIE NEWELL JOHNSON, McLennan County; LINDA PHILLIPS THUNE, Travis County.

Member, Texas Department of Housing and Community Affairs Board: JUDITH BARRETT McDONALD, Nacogdoches County.

Presiding Judge of the Second Administrative Judicial Region: JUDGE THOMAS J. STOVALL, JR., Harris County.

Member, State Board of Barber Examiners: ROBERT CASTRO, El Paso County.

Members, Texas Cosmetology Commission: LUCILLE CORONADO GARCIA, Bexar County; DIANNA GALE MAYS, Hunt County.

Member, Texas Commission for the Deaf and Hearing Impaired: MICHELLE BAILEY, Harris County.

Members, Governing Board of the Texas School for the Deaf: JOHNELLE M. CORTNER, Harris County; ROBERT EDWARD PARRISH, Dallas County.

Members, State Board of Examiners of Dietitians: MAXINE BILLINGER FREEMAN, Harris County; JANICE M. WALKER, Harris County.

Members, East Texas State University Board of Regents: RAYMOND B. CAMERON, Rockwall County; MARTHA H. WHITEHEAD, Gregg County.

Members, Hospital Licensing Advisory Council: DR. JANE PEREZ, Waller County; BARBARA L. WATKINS, Dallas County.

Member, Texas National Guard Armory Board: HOWELL LYNN "HAL" BOYD, Howard County.

Members, Texas Space Commission: WAYNE S. ALEXANDER, Harris County; RONALD G. BLISS, Harris County; STEPHANIE A. COLEMAN, Bexar County; DR. JAMES GARY LIPE, Tarrant County.

NOMINEE CONFIRMED

Senator Barrientos then moved the confirmation of JUNE HICKS of Eastland County, to be a Member of the State Board of Examiners of Marriage and Family Therapists.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

HOUSE BILL 333 RECOMMITTED

On motion of Senator Whitmire and by unanimous consent, **H.B. 333** was recommitted to the Committee on Intergovernmental Relations.

SENATE RESOLUTION 818

Senator Shapiro offered the following resolution:

WHEREAS, The Plano East Senior High School academic decathlon team has reached the pinnacle of achievement in academic competition, winning the 1993 national academic decathlon championship; and

WHEREAS, Spurred by the memory of a disappointing performance in the 1992 state finals, the Plano East squad captured the 1993 state championship before advancing to the national finals in Phoenix, Arizona; and

WHEREAS, Facing the intense demands and pressures of the two-day national competition, this outstanding group of dedicated students gave a superlative performance, triumphing over highly regarded teams from 43 states and the District of Columbia; and

WHEREAS, Competing at the highest levels of academic competition requires not only quick and sharp young minds but also countless hours of study and preparation in multiple disciplines; and

WHEREAS, The team's supreme achievement was a result of exceptional contributions from members Sunny Chu, Ranjay Halder, Jason Mellard, Karl Martinez, Todd Konkell, Michael Hardy, Sunil Mehta, Brian Bartles, and James Jones; in addition to leading the group to the team title, Sunny Chu, Ranjay Halder, and Jason Mellard also earned well-deserved scholarships for their performance in attaining the top overall scores; and

WHEREAS, Outstanding leadership and encouragement were the hallmarks of coaches Joyce Gillam and Jack Worsham, whose tireless efforts enabled each team member to perform at the highest possible level; and

WHEREAS, The Plano East Senior High School academic decathlon team members have withstood the rigors of this demanding event, demonstrating an exemplary command of their considerable knowledge to take the national title; and

WHEREAS, They also have brought great honor and prestige to their school, their community, and to this state by their impressive achievement, which has continued and enhanced a truly enviable record of success established by Texas high schools in this national competition, and it is appropriate that these young scholars be given special legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby commend the members of the Plano East Senior High School academic decathlon team for their superior achievement in winning the 1993 national championship and extend to them best wishes for future success; and, be it further

RESOLVED, That official copies of this resolution be prepared for members of the team and their coaches as an expression of high regard by the Senate of the State of Texas.

The resolution was previously read and adopted on Monday, May 3, 1993.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate the Plano East Senior High School academic decathlon team and their coaches.

The Senate welcomed these guests.

(Senator Truan in Chair)

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE**

SENATE JOINT RESOLUTION 52 ON SECOND READING

Senator Luna moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.J.R. 52, Proposing a constitutional amendment relating to the use of the available school fund.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Lucio, Luna, Madla, Moncrief, Parker, Ratliff, Rosson, Sibley, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Montford, Nelson, Patterson, Shelley, Sims, Wentworth.

Absent: Shapiro.

**SENATE CONCURRENT RESOLUTION 50
ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration at this time on its second reading:

S.C.R. 50, Directing the criminal justice and human service agencies of this state to adopt a memorandum of understanding defining the agencies' respective responsibilities for correctional support and treatment of sex offenders in the criminal justice system.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 87
ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time on its second reading:

S.C.R. 87, Requesting the Parks and Wildlife Department to develop and implement a plan for recreational access to the Devils River.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read second time and was adopted by a viva voce vote.

SENATE BILL 914 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration at this time:

S.B. 914, Relating to the appointment of the directors of the Valley Acres Water District.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 914 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 914** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1106 ON SECOND READING

Senator Armbrister moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1106, Relating to the deposit of certain funds received by the University Interscholastic League.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Leedom, Moncrief, Sims.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Dallas, Henderson, Lucio, Luna, Madla, Montford, Patterson, Ratliff, Rosson, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Leedom, Moncrief, Nelson, Parker, Shapiro, Sims.

SENATE BILL 1463 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1463, Relating to discrimination by certain athletic clubs; providing criminal penalties.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Shapiro, Sims, Wentworth.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1463 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1463** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Nelson, Shapiro, Sims, Wentworth.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Shapiro and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Sonya Hawkins of Dallas. Senator West then asked the Senate to join him in congratulating Ms. Hawkins on passing the State Bar exam.

The Senate welcomed Ms. Hawkins and extended its congratulations.

(Senator Truan in Chair)

(President in Chair)

SENATE BILL 1472 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1472, Relating to the authority of the Lubbock County Hospital District to render primary care, emergency services, preventive medicine services, and other health related services.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **S.B. 1472** as follows:

Amend SECTION 1 by striking "The district may render primary care, emergency services, preventive medicine services, and other health-related services outside the district." where it appears on page 1, lines 36 through 38 of the Committee Report printing, and inserting in its place the following:

The district, subject to the approval of the Lubbock County Commissioners Court, may render primary care, emergency services, preventive medicine services, and other health-related services outside the district, provided that these activities meet the purpose of the district as established by this section.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1472 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1472** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1487 ON SECOND READING

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1487, Relating to the ad valorem taxation of cotton.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1487 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1487** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1488 ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1488, Relating to the installation and repair of water well pumps and equipment.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1488 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1488** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 17, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 19, Proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale. (As amended)

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

RECESS

On motion of Senator Harris of Dallas, the Senate at 12:24 p.m. took recess until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by the President.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1776 ON SECOND READING**

Senator Patterson moved to suspend the regular order of business and all necessary rules to take up for consideration at this time:

C.S.H.B. 1776, Relating to the issuance of a license to carry a handgun; providing penalties.

POINT OF ORDER

Senator West raised a point of order that the bill was in violation of the posting requirement for the Senate under Senate Rules 11.13 and 5.14(c).

The President respectfully overruled the point of order.

POINT OF ORDER

Senator Henderson raised a point of order that the bill was in violation of Senate Rule 7.12(a), which states that a revised fiscal note must be laid out 24 hours before consideration of the bill by the Senate.

On motion of Senator Henderson and by unanimous consent, the point of order was withdrawn.

POINT OF ORDER

Senator Henderson raised another point of order that the bill was in violation of Senate Rule 7.12(b) because it contains an improper bill analysis.

The President respectfully overruled the point of order.

Senator Patterson again moved to suspend the regular order of business and all necessary rules to take up C.S.H.B. 1776 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Henderson, Leedom, Luna, Moncrief, Parker, Truan, West.

The bill was read second time.

(Senator Sims in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 2

Amend the C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 2, Subsection (a)(4), page 2, line 25, after the word "misdemeanor" and before the semicolon, insert the phrase "or an offense under Sec. 42.01 of the Penal Code".

2) In Section 1, Sec. 2, Subsection (a)(6), page 2, line 32, after the word "misdemeanor" and before the period, insert the phrase "or an offense under Sec. 42.01 of the Penal Code".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 2, Subsection (b)(1), on page 2, line 36, between the words "penitentiary" and "is", insert the phrase "or state jail".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 2, Subsection (a), on page 2, line 32, strike the period and replace it with a semicolon and insert a new (9) to read as follows:

"(9) is not currently restricted under a court protective order."

The amendment was read and was adopted by a viva voce vote.

(President in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 2, Subsection (a), on page 2, line 32, strike the period and replace it with a semicolon and insert a new (9), (10), and (11) to read as follows:

"(9) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(10) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, state treasurer, or Texas Alcoholic Beverage Commission; and

(11) has not been finally determined to be in default on a loan made under Chapter 57, Education Code.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 3, Subsection (b), on page 3, line 7, insert a new (7) to read as follows:

"(7) voter registration certificate number;"

2) Renumber accordingly.

The amendment was read and was adopted by the following vote:
Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Luna, Sims.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 5, Subsection (i), on page 4, line 63, strike "Class C" and replace it with "Class B".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 1776 as follows:

(1) In Section 1 of the bill, in proposed Section 5, Article 4413(29ee), Revised Statutes, add a new Subsection (j) to read as follows:

(j) The department by rule shall adopt the form of a lapel pin to be worn by a license holder while carrying a handgun under the authority of this article. The lapel pin must be at least one-half inch in length and shaped in the form of a handgun.

(2) In Section 1 of the bill, in proposed Section 13, Article 4413 (29ee), Revised Statutes, add a new Subsection (j) to read as follows:

(j) A license holder commits an offense if the license holder carries a handgun under the authority of this article and fails to wear conspicuously on the outside of the license holder's clothing a lapel pin approved by the department under Section 5(j) of this article. An offense under this subsection is a Class A misdemeanor.

The amendment was read and failed of adoption by the following vote: Yeas 9, Nays 20.

Yeas: Barrientos, Ellis, Leedom, Luna, Moncrief, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Madla, Montford, Nelson, Parker, Patterson, Rosson, Shapiro, Shelley, Sibley, Sims, Wentworth, Whitmire.

Absent: Carriker, Ratliff.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.H.B. 1776, in Section 1 of the bill, in proposed Section 11(b), Article 4413(29ee), Revised Statutes, by striking "30th" and substituting "10th".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 12, Subsection (c), on page 8, line 18, strike "30" and replace it with "20".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 13, Subsection (a), on page 8, line 21, strike the word "knowingly".

2) In Section 1, Sec. 13, Subsection (b), lines 26, 31, 60 and 66, strike the word "recklessly" where it appears each time.

The amendment was read.

On motion of Senator Turner and by unanimous consent, the amendment was withdrawn.

(Senator Whitmire in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 14

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 13, Subsection (d), on page 8, line 55, strike lines 56 and 57 in their entirety.

2) In Section 1, Sec. 13, Subsection (e), line 64, strike the phrase "Class A misdemeanor" and replace it with "felony of the third degree".

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 19.

Yeas: Barrientos, Ellis, Henderson, Luna, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Rosson, Shapiro, Shelley, Sibley, Sims, Wentworth.

Absent: Carriker, Leedom, Ratliff, Whitmire.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 13, Subsection (c)(4), on page 8, lines 44 through 46, strike the phrase "if the business derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption".

The amendment was read and was adopted by the following vote: Yeas 28, Nays 0.

Absent: Carriker, Ratliff, Sibley.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 13

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 13, Subsection (c), on page 8, line 52, strike "or".

2) In Section 1, Sec. 13, Subsection (c), on page 8, line 54, insert a new (9), (10), (11), and (12) to read as follows:

“(9) child care facility;
(10) concert hall or theatre; or
(11) privately owned dormitory housing university, college, or
junior college students.”.

The amendment was read.

On motion of Senator Turner and by unanimous consent, the amendment was withdrawn.

(President in Chair)

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 15

Amend C.S.H.B. 1776, in Section 1 of the bill, in proposed Section 13, Article 4413(29ee), Revised Statutes, by adding a new Subsection (j) to read as follows:

“(j) If a peace officer arrests a license holder who is carrying a handgun under the authority of this article for an offense under this section or any other offense, the peace officer shall seize the license holder’s weapon and license as evidence. The provisions of Article 18.19, Code of Criminal Procedure, relating to the disposition of weapons seized in connection with criminal offenses, apply to a weapon seized under this subsection.”

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 16

Amend C.S.H.B. 1776 as follows:

- 1) In Section 1, page 9, lines 18-35, strike Sec. 14. in its entirety.
- 2) Renumber accordingly.

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 14.

Yeas: Barrientos, Ellis, Henderson, Leedom, Moncrief, Parker, Rosson, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Montford, Nelson, Patterson, Shapiro, Shelley, Whitmire.

Absent: Carriker, Luna, Ratliff, Sibley.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 17

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 15, Subsection (a), on page 9, line 45, after the period following “certification”, insert a new sentence to read as follows:

"The part of the course devoted to classroom instruction must include a written examination on the laws that relate to weapons and to the use of deadly force."

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 18

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 15, Subsection (a), on page 9, line 62, strike "15" and replace it with "30".

The amendment was read and failed of adoption by the following vote: Yeas 10, Nays 17.

Yeas: Barrientos, Ellis, Henderson, Leedom, Moncrief, Shapiro, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Montford, Nelson, Parker, Patterson, Rosson, Shelley, Sims, Wentworth, Whitmire.

Absent: Carriker, Luna, Ratliff, Sibley.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 19

Amend C.S.H.B. 1776 as follows:

In Section 1, Sec. 19, on page 11, strike lines 55 through 63, and insert the following:

"Sec. 19. PUBLIC ACCESS TO RECORDS. All records maintained under this article, except medical or mental health records, are public information and available to the public under the".

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 20

Amend C.S.H.B. 1776 as follows:

1) Amend Section 1 of the bill, proposed Sec. 3, by adding a new Subsection (10) to read as follows:

(10) proof of a negative test result of the controlled substance abuse test required under Section _____.

2) In proposed Article 4413(29ee), Revised Statutes, by adding a new section, appropriately numbered, to read as follows:

Sec. ____ CONTROLLED SUBSTANCE ABUSE TEST. (a) The director shall require all applicants for a license to submit to a controlled substance abuse test. When the director notifies an applicant for a license to carry a concealed or an exposed handgun in writing, the director may require the applicant to take a controlled substance abuse test within 24 hours after the notice is received. If an applicant fails to submit a negative test result of the controlled substance abuse test to the director in accordance with this section, the director shall deny the application.

(b) The evidence of a negative test result of a controlled substance abuse test required by this section must be from:

(1) the department's laboratory; or

(2) a laboratory accredited for drug testing by the National Institute on Drug Abuse.

(c) An applicant shall bear the cost of the controlled substance abuse test required by this section.

(d) The department shall:

(1) establish by rule a fee, which may not exceed the department's actual costs, for controlled substance abuse tests administered by the department's laboratory; and

(2) adopt other rules and develop forms necessary for the administration of this section.

(e) In this section:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Controlled substance abuse test" means a test procedure designed to take and analyze body fluids or materials from the body for the purpose of detecting the presence of controlled substances.

(3) "Negative test result" means a test result that indicates that a controlled substance is not present in the tested sample.

The amendment was read.

On motion of Senator Turner and by unanimous consent, the amendment was temporarily withdrawn.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 21

Amend C.S.H.B. 1776 as follows:

1) In proposed Article 4413(29ee), Revised Statutes, by adding a new section, appropriately numbered, to read as follows:

Sec. . PROHIBITION OF HANDGUNS ON COMMERCIAL PREMISES. (a) The owner or lessee of business property may prohibit license holders from carrying handguns on the premises of the business if the business prominently displays a notice on the premises that states that carrying a handgun on the premises is prohibited.

(b) The owners or lessees of business property who share the use of a common area may prohibit license holders from carrying handguns on common area if:

(1) a majority of the owners or lessees agree to the prohibition;
and

(2) a notice is prominently displayed on the property that states that carrying a handgun on the property is prohibited.

(c) A license holder commits an offense if the:

(1) license holder carries a handgun on the premises of commercial property or a business;

(2) lessor of the property or the business prohibits handguns on the premises as provided by this section; and

(3) notice described by Subsection (a) or (b) of this section is prominently displayed on the property.

(d) An offense under this section is a Class B misdemeanor.

The amendment was read and was adopted by the following vote:
Yeas 20, Nays 7.

Yeas: Barrientos, Bivins, Brown, Ellis, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Moncrief, Montford, Nelson, Parker, Patterson, Shapiro, Shelley, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Armbrister, Haley, Lucio, Madla, Rosson, Sims, Wentworth.

Absent: Carriker, Luna, Ratliff, Sibley.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 1776 as follows:

(1) In Section 1 of the bill, in proposed Section 1, Article 4413(29ee), Revised Statutes, strike Subdivision (14).

(2) In Section 1 of the bill, in proposed Section 2(a), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(3) In Section 1 of the bill, in proposed Section 3(a), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(4) In Section 1 of the bill, in proposed Section 4(a), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(5) In Section 1 of the bill, in proposed Section 5(a), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(6) In Section 1 of the bill, in proposed Section 12(a)(4), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(7) In Section 1 of the bill, in proposed Section 13(a), Article 4413(29ee), Revised Statutes, strike "or carry the handgun in an exposed holster".

(8) In Section 1 of the bill, in proposed Section 13(b), Article 4413(29ee), Revised Statutes, strike "or carry the handgun in an exposed holster".

(9) In Section 1 of the bill, in proposed Section 13(c), Article 4413(29ee), Revised Statutes, strike "or exposed".

(10) In Section 1 of the bill, in proposed Section 13(e), Article 4413(29cc), Revised Statutes, strike "or exposed".

(11) In Section 1 of the bill, in proposed Section 15(h), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(12) In Section 1 of the bill, in proposed Section 17(c), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(13) In Section 1 of the bill, in proposed Section 17(d), Article 4413(29ee), Revised Statutes, in the third sentence, strike "or an exposed".

(14) In Section 1 of the bill, in proposed Section 17(d), Article 4413(29ee), Revised Statutes, in the fourth sentence, strike "or an exposed".

(15) In Section 1 of the bill, in proposed Section 17(g), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(16) In Section 1 of the bill, in proposed Section 22, Article 4413(29ee), Revised Statutes, strike "or exposed".

(17) In Section 1 of the bill, in proposed Section 26(a), Article 4413(29ee), Revised Statutes, strike "or an exposed".

(18) In Section 1 of the bill, in proposed Section 26(e), Article 4413(29ee), Revised Statutes, strike "or exposed".

(19) In Section 2 of the bill, in amended Section 37.01(1)(A), Penal Code, strike "or an exposed".

(20) In Section 2 of the bill, in amended Section 37.01(1)(C), Penal Code, strike "or an exposed".

(21) In Section 3 of the bill, in amended Section 46.03(a)(7), Penal Code, strike "or exposed".

(22) In Section 4 of the bill, in proposed Section 51.14(g), Family Code, strike "or an exposed".

(23) In Section 5 of the bill, in proposed Section 51.16(m), Family Code, strike "or an exposed".

The amendment was read and failed of adoption by the following vote: Yeas 7, Nays 20.

Yeas: Barrientos, Ellis, Leedom, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Rosson, Shapiro, Shelley, Sims, Wentworth, Whitmire.

Absent: Carriker, Luna, Ratliff, Sibley.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 13A

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 13, Subsection (c), on page 8, line 52, strike "or".

2) In Section 1, Sec. 13, Subsection (c), on page 8, line 54, insert a new (9), (10), (11), and (12) to read as follows:

"(9) child care facility;

(10) concert hall or theatre; or

(11) privately owned dormitory housing university, college, or junior college students, with the exception of a property owner who resides at the dormitory."

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 15.

Yeas: Barrientos, Ellis, Harris of Tarrant, Henderson, Leedom, Madla, Moncrief, Parker, Shelley, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Dallas, Lucio, Luna, Montford, Nelson, Patterson, Rosson, Shapiro, Sims, Wentworth, Whitmire.

Absent: Carriker, Ratliff, Sibley.

Senator Turner again offered the following amendment to the bill:

Floor Amendment No. 20

Amend C.S.H.B. 1776 as follows:

1) Amend Section 1 of the bill, proposed Sec. 3, by adding a new Subsection (10) to read as follows:

(10) proof of a negative test result of the controlled substance abuse test required under Section _____.

2) In proposed Article 4413(29ee), Revised Statutes, by adding a new section, appropriately numbered, to read as follows:

Sec. _____ CONTROLLED SUBSTANCE ABUSE TEST. (a) The director shall require all applicants for a license to submit to a controlled substance abuse test. When the director notifies an applicant for a license to carry a concealed or an exposed handgun in writing, the director may require the applicant to take a controlled substance abuse test within 24 hours after the notice is received. If an applicant fails to submit a negative test result of the controlled substance abuse test to the director in accordance with this section, the director shall deny the application.

(b) The evidence of a negative test result of a controlled substance abuse test required by this section must be from:

(1) the department's laboratory; or

(2) a laboratory accredited for drug testing by the National Institute on Drug Abuse.

(c) An applicant shall bear the cost of the controlled substance abuse test required by this section.

(d) The department shall:

(1) establish by rule a fee, which may not exceed the department's actual costs, for controlled substance abuse tests administered by the department's laboratory; and

(2) adopt other rules and develop forms necessary for the administration of this section.

(e) In this section:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Controlled substance abuse test" means a test procedure designed to take and analyze body fluids or materials from the body for the purpose of detecting the presence of controlled substances.

(3) "Negative test result" means a test result that indicates that a controlled substance is not present in the tested sample.

The amendment was read and was adopted by a viva voce vote.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 22

Amend C.S.H.B. 1776 by adding an appropriately numbered section to read as follows:

Sec. _____ EMPLOYERS' RIGHTS. The owner or operator of a business or commercial establishment in this state shall have the right to establish reasonable policies to prohibit employees under their supervision from carrying a concealed or an exposed handgun authorized under this Article on the premises of a business or commercial establishment that is under their control or supervision and that is located in this state.

The amendment was read and was adopted by a viva voce vote.

Floor Amendment No. 23 was not offered.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 24

Amend C.S.H.B. 1776 on page 6, line 8, by deleting the word "fourth" and substituting in lieu thereof the word "second"; and on page 6, line 10, by deleting the word "four" and substituting in lieu thereof the word "two".

The amendment was read and was adopted by a viva voce vote.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 25

Amend C.S.H.B. 1776 as follows:

(1) In Section 1 of the bill, in proposed Section 13(a), Article 4413(29ee), Revised Statutes, strike the first sentence and substitute the following:

"A license holder commits an offense if the license holder, in any place other than a motor vehicle owned and operated by the license holder, carries a handgun on or about his person under the authority of this article."

(2) In Section 1 of the bill, in proposed Section 13(b), Article 4413(29ee), Revised Statutes, strike the first sentence and substitute the following:

"A license holder commits an offense if the license holder, in any place other than a motor vehicle owned and operated by the license holder, carries a handgun on or about his person under the authority of this article."

(3) In Section 3 of the bill, in amended Section 46.03(a)(7), Penal Code, between "handgun" and "and a valid license", insert "in a motor vehicle owned and operated by the person".

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 23.

Yeas: Barrientos, Henderson, Leedom, Luna, Moncrief, Truan, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire.

Floor Amendment No. 26 was not offered.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 27

Amend C.S.H.B. 1776 as follows:

1) In Section 1, Sec. 13, Subsection (a), on page 8, line 21, strike the word "knowingly" and replace it with the phrase "intentionally, knowingly, or recklessly".

2) In Section 1, Sec. 13, strike Subsection (b), and reletter Subsections (c) through (i) accordingly.

3) Correct cross-references in Sec. 13 to reflect the relettering.

The amendment was read and was adopted by a viva voce vote.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 28

Amend C.S.H.B. 1776 in Section 1 of the bill, in Section 14, Article 4413(29ee), Revised Statutes, by adding Section 14(d) to read as follows:

"(d) The limitations on liability provided by this section for the state, an agency or subdivision of the state, an officer or employee of the state, a peace officer, or a qualified handgun instructor do not apply to a cause of action in which it is shown that the action or failure to perform a duty by an officer or employee of the state or a subdivision of the state, a peace officer, or a qualified handgun instructor was wilfully or wantonly negligent or performed with conscious indifference or reckless disregard for the safety of others."

The amendment was read and failed of adoption by the following vote: Yeas 14, Nays 16.

Yeas: Barrientos, Carriker, Ellis, Harris of Tarrant, Henderson, Leedom, Luna, Parker, Rosson, Shelley, Truan, Turner, West, Zaffirini.

Nays: Armbrister, Bivins, Brown, Haley, Harris of Dallas, Lucio, Madla, Moncrief, Montford, Patterson, Ratliff, Shapiro, Sibley, Sims, Wentworth, Whitmire.

Absent: Nelson.

On motion of Senator Patterson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Senator West at 5:10 p.m. was recognized to speak on C.S.H.B. 1776.

Question—Shall the bill be passed to third reading?

(Senator Shelley occupied the Chair during the discussion of C.S.H.B. 1776 by Senator West)

(Senator Armbrister in Chair)

POINT OF ORDER

Senator Patterson raised a point of order that Senator West was discussing guns in the home and the bill does not pertain to that subject matter; therefore, the discussion was not germane to the bill.

The Presiding Officer overruled the point of order.

(Senator West resumed discussion of C.S.H.B. 1776)

(Senator Shapiro in Chair)

(Senator Haley in Chair)

POINT OF ORDER

Senator Patterson raised a point of order that Senator Luna was not putting his remarks in the form of a question.

The Presiding Officer ruled that the Chair would be a little lenient, allowing Senator Luna time to state his questions.

(Senator West resumed discussion of C.S.H.B. 1776)

POINT OF ORDER

Senator Patterson raised a point of order that Senator West was discussing gun control and the bill concerned the right to carry a handgun.

The Presiding Officer ruled that the caption of the bill was very broad and discussion of gun control would be allowed.

(Senator West resumed discussion of C.S.H.B. 1776)

(Senator Madla in Chair)

POINT OF ORDER

Senator Armbrister raised a point of order that the bill concerned the right to carry a handgun and Senator Luna's remarks concerned gun control.

The Presiding Officer again overruled the point of order due to the broadness of the caption of the bill.

(Senator West resumed discussion of C.S.H.B. 1776)

POINT OF ORDER

Senator Patterson raised a point of order that Senator Luna was not putting his remarks in the form of a question.

The Presiding Officer overruled the point of order.

(Senator West resumed discussion of C.S.H.B. 1776)

GUEST PRESENTED

The Presiding Officer, Senator Madla in Chair, introduced to the Senate Judge Chuck Miller of the Court of Criminal Appeals.

The Senate welcomed Judge Miller.

Question—Shall the bill be passed to third reading?

(Senator West resumed discussion of C.S.H.B. 1776)

(Senator Lucio in Chair)

POINT OF ORDER

Senator Armbrister raised a point of order that Senator West was not confining his remarks to the body of the bill and was violating Senate Rule 4.03 by using dilatory tactics.

The Presiding Officer cautioned Senator West not to use dilatory tactics.

(Senator West resumed discussion of C.S.H.B. 1776)

Senator West at 10:23 p.m. concluded his discussion on C.S.H.B. 1776.

Question—Shall the bill be passed to third reading?

The bill as amended was passed to third reading by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Bivins, Brown, Carriker, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Henderson, Leedom, Luna, Moncrief, Truan, West.

CONGRATULATORY RESOLUTIONS

S.R. 949 - By Parker: Commending all who serve in the Emergency Medical Services and declaring May 23 through 29 as Emergency Medical Services Week.

S.R. 950 - By Sibley: Commending Wilton A. Lanning, Jr., of Waco, who was presented the Community Builder Award by the James H. Lockwood Masonic Lodge Number 1343 for his service to his community.

S.R. 951 - By Wentworth: Congratulating Mark Horner on being decorated with the Texas Highway Patrol's highest award, the Medal of Valor.

S.R. 952 - By Nelson: Congratulating Laura Loy of Dallas and Ken Capps of Austin on the occasion of their marriage.

S.R. 953 - By Nelson: Congratulating James and Lea Wright on the occasion of their 50th wedding anniversary.

S.R. 954 - By Nelson: Congratulating Mr. and Mrs. Harold Ames of Granbury on the occasion of their 50th wedding anniversary.

S.R. 955 - By Nelson: Congratulating Mr. and Mrs. Paul E. Wallen of Ranger on the occasion of their 64th wedding anniversary.

S.R. 956 - By Nelson: Congratulating J. D. and Sue Truitt of Rhome on the occasion of their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Truan, the Senate at 10:29 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 17, 1993

ECONOMIC DEVELOPMENT — C.S.H.B. 1387

FINANCE — C.S.H.B. 1273

STATE AFFAIRS — H.B. 70 (Amended), H.B. 2281 (Amended)

NATURAL RESOURCES — C.S.H.B. 2318, C.S.H.B. 1309,
C.S.H.B. 2177

SENT TO GOVERNOR

(May 17, 1993)

S.B. 248

S.B. 378

SIXTY-NINTH DAY

(Tuesday, May 18, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Rabbi Steven Folberg, Temple Beth Israel, Austin, offered the invocation as follows:

Dear Friends: It is an honor to be with you this morning, and to bring you greetings from the Jewish community of this beautiful City of Austin. I would now invite those of us with religious beliefs to take a moment to pray, and those of us without such beliefs to take a moment to meditate and reflect together.

Dear God: The world in which we live is so complex, and so very troubled. When we think of the ordinary people who have given us their trust and made it possible for us to be here, we are humbled. What do we truly know of them? How hard have we struggled to understand their hopes, their pains, their dreams? When we pause to consider our people in all of their great diversity—differences of faith, of race, of culture, of lifestyle, of political belief, of economic status—we are, at times, overwhelmed. Each one is an entire world unto himself or herself! How can we serve them all; who has the wisdom to do so?

And yet, dear God, we ask that You not let us forget the hopes and dreams that bind us together. The dreams of health, safety,